

REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested in view of the following remarks/arguments and amendments.

Claim Status

Claims 1-6, 8-17 and 19-32 are pending in this application with claims 1, 8, 9, 19, 20, 23, 24, 25, 26, 27, 28, 30, and 32 being independent claims. Claims 1-6, 8-17 and 19-24 have been allowed as stated in the Office Action, dated December 18, 2002. Claims 25-32 were rejected in the same Office Action.

Rejections under 35 U.S.C. § 102(b)

Claims 28, 29, 30, 31 and 32 were rejected by the Examiner as being anticipated by Campbell et al. (GB 2,313,530) ("Campbell"). Applicants respectfully traverse the Examiner's rejection and contend that the rejected claims are not anticipated by Campbell. A discussion of each independent claim as rejected follows.

Claim 28

The Examiner states that claim 28 is anticipated by Campbell et al. Applicants respectfully traverse Examiner's rejection of claim 28 as Campbell fails to recite all of the elements of claim 28.

The Examiner has relied on Campbell at page 38, line 9 through page 40, line 21, in the office action rejection of the penalty assignment limitation of claim 28. However, Campbell does not disclose, teach or suggest the penalty assigning means as recited in claim 28. Penalty assignment as disclosed by Campbell entails selection of the top N1 best phoneme

candidates following the *calculation of Euclidean cepstral distances of acoustic distances between phonemes*. The invention as recited in claim 28, inter alia, assigns penalties to the plural items of phoneme data so as to raise the possibility that phoneme data whose value of a predetermined attribute is close to an average value of the predetermined attribute is selected. Clearly, the penalty assignment methodology of Campbell and that of claim 28 are distinct.

In addition, Campbell's penalty assignment also entails the generation of a target phoneme by use of a process of extracting acoustic feature parameters of phonemes. See, Campbell page 38, lines 14-18. The invention as recited in claim 28, inter alia, assigns penalties based on the proximity or closeness of phoneme data values to that of an average value of a predetermined attribute. This constitutes another distinction between the penalty assigning process of Campbell and that of claim 28.

Claim 30

The Examiner states that claim 30 is anticipated by Campbell et al. Applicants respectfully traverse Examiner's rejection of claim 30 as Campbell fails to recite all of the elements of claim 30.

Claim 30 recites, *inter alia*, a penalty assigning step of assigning a penalty to each of the plural items of phoneme data so as to raise the possibility that phoneme data whose value of a predetermined attribute is close to an average value of the predetermined attribute is selected. At the least, this limitation of claim 30 does not read upon Campbell as the penalty assigning step of Campbell uses a different mode of penalty assignment which is based on the calculation of Euclidean cepstral distances between acoustic features of certain phonemes. Clearly, there are differences between the penalty assignment methodology of Campbell and that of claim 30.

Claim 32

The Examiner states that claim 32 is anticipated by Campbell et al. Applicants respectfully traverse Examiner's rejection of claim 32 as Campbell fails to recite all of the elements of claim 32.

Claim 32 recites, *inter alia*, code of a penalty assigning step of assigning a penalty to each of the plural items of phoneme data so as to raise the possibility that phoneme data whose value of a predetermined attribute is close to an average value of the predetermined attribute is selected. At the least, this limitation of claim 32 does not read upon Campbell as Campbell does not disclose a code of the same penalty assignment method. Rather, Campbell uses a different mode of penalty assignment which is based on the calculation of Euclidean cepstral distances between acoustic features of certain phonemes. Clearly, there are differences between the penalty assignment methodology of Campbell and that of claim 32.

As such, Campbell fails to teach, disclose or suggest at least the elements of claims 28 30, and 32 discussed above and Applicants request reconsideration and withdrawal of the rejections of these claims under 35 U.S.C. § 102(b).

Dependent Claims 29 & 31

Applicants believe the dependent claims 29 and 31 which depend from independent claims 28 and 30 respectfully, are allowable for at least similar reasons as for the independent claims from which they depend as discussed above. As such, Applicants have not individually addressed the rejections of the dependent claims but reserve the right to do so should such be necessary.

Rejections under 35 U.S.C. §103(a)**Claim 25**

The Examiner rejected claim 25 as being unpatentable over Campbell in view of Moebius et al. (U.S. Patent No. 5,751,907) ("Moebius"). Applicants have amended claim 25 and Applicants believe that this amendment to claim 25 overcomes or otherwise renders this rejection moot with respect to claim 25 and respectfully request that the rejection of claim 25 be withdrawn. Support for the above amendments to claim 25 may be found, by way of example, in line 3 of page 10 through line 4 of page 11 of Applicants' specification.

The invention recited in claim 25 assigns a penalty to each item of the phoneme data on the basis of order obtained by sorting so that a larger penalty is added to the phoneme whose order is near the smallest and biggest and smaller penalty is added to the phoneme whose order is near the middle. By virtue of this feature, phoneme data having an attribute value near the average can be selected without calculating averages of the attribute values.

The references cited by the Examiner in the Office Action of December 18, 2002, fail to teach, disclose or suggest this feature. Campbell, as the Examiner admits in the Office Action, fails to teach penalty assigning which sorts retrieved phoneme data based upon a prescribed attribute value and assigns a penalty value on the basis of the sorting order. Reliance on Moebius does not remedy this deficiency as Moebius fails to teach, disclose or suggest at least the penalty assigning limitation of claim 25 as Moebius merely teaches sorting items of data and penalties which mono-tonally increase (or decrease) in order is given to the sorted items of data. In a manner distinct from Moebius, the invention as recited in claim 25 assigns a penalty to each item of the phoneme data on the basis of order obtained by sorting so that a larger penalty is

added to the phonemes whose order is near the smallest and biggest and a smaller penalty is added to the phoneme whose order is near the middle.

As such, the invention as recited in claim 25 is patentable over Campbell and Moebius because neither Campbell nor Moebius, taken alone or in combination, teach, disclose or suggest all of the limitations of claim 25. Accordingly, Applicants respectfully request the reconsideration and withdrawal of the rejection of claim 25 under 35 U.S.C. § 103(a).

Claim 26

The Examiner rejected claim 26 as being unpatentable over Campbell in view of Moebius et al. (U.S. Patent No. 5,751,907) ("Moebius"). Applicants have amended claim 26 and Applicants believe that this amendment to claim 26 overcomes or otherwise renders this rejection moot with respect to claim 26 and respectfully request that the rejection of claim 26 be withdrawn. Support for the above amendments to claim 26 may be found, by way of example, in line 3 of page 10 through line 4 of page 11 of Applicants' specification.

The invention recited in claim 26 includes, *inter alia*, a penalty assigning step which assigns a penalty to each item of the phoneme data on the basis of order obtained by sorting so that a larger penalty is added to the phoneme whose order is near the smallest and biggest and smaller penalty is added to the phoneme whose order is near the middle. By virtue of this step, phoneme data having an attribute value near the average can be selected without calculating averages of the attribute values.

The references cited by the Examiner in the Office Action of December 18, 2002, fail to teach, disclose or suggest this feature. Campbell, as the Examiner admits in the Office

Action, fails to teach penalty assigning which sorts retrieved phoneme data based upon a prescribed attribute value and assigns a penalty value on the basis of the sorting order. Reliance on Moebius does not remedy this deficiency as Moebius fails to teach, disclose or suggest at least the penalty assigning step limitation of claim 26 as Moebius merely teaches sorting items of data and penalties which mono-tonally increase (or decrease) in order is given to the sorted items of data. In a manner distinct from Moebius, the invention as recited in the above featured step of claim 26 assigns a penalty to each item of the phoneme data on the basis of order obtained by sorting so that a larger penalty is added to the phonemes whose order is near the smallest and biggest and a smaller penalty is added to the phoneme whose order is near the middle.

As such, the invention as recited in claim 26 is patentable over Campbell and Moebius because neither Campbell nor Moebius, taken alone or in combination, teach, disclose or suggest all of the limitations of claim 26. Accordingly, Applicants respectfully request the reconsideration and withdrawal of the rejection of claim 26 under 35 U.S.C. § 103(a).

Claim 27

The Examiner rejected claim 27 as being unpatentable over Campbell in view of Moebius et al. (U.S. Patent No. 5,751,907) ("Moebius"). Applicants have amended claim 27 and Applicants believe that this amendment to claim 27 overcomes or otherwise renders this rejection moot with respect to claim 25 and respectfully request that the rejection of claim 27 be withdrawn. Support for the above amendments to claim 26 may be found, by way of example, in line 3 of page 10 through line 4 of page 11 of Applicants' specification.

The invention recited in claim 27 includes, *inter alia*, a penalty assigning code which assigns a penalty to each item of the phoneme data on the basis of order obtained by sorting so that a larger penalty is added to the phoneme whose order is near the smallest and biggest and a smaller penalty is added to the phoneme whose order is near the middle. By virtue of this code, phoneme data having an attribute value near the average can be selected without calculating averages of the attribute values.

The references cited by the Examiner in the Office Action of December 18, 2002, fail to teach, disclose or suggest this feature. Campbell, as the Examiner admits in the Office Action, fails to teach penalty assigning which sorts retrieved phoneme data based upon a prescribed attribute value and assigns a penalty value on the basis of the sorting order. Reliance on Moebius does not remedy this deficiency as Moebius fails to teach, disclose or suggest at least the penalty assigning code limitation of claim 27 as Moebius merely teaches sorting items of data and penalties which mono-tonally increase (or decrease) in order is given to the sorted items of data. In a manner distinct from Moebius, the invention as recited in the above featured code of claim 27 assigns a penalty to each item of the phoneme data on the basis of order obtained by sorting so that a larger penalty is added to the phonemes whose order is near the smallest and biggest and a smaller penalty is added to the phoneme whose order is near the middle.

As such, the invention as recited in claim 27 is patentable over Campbell and Moebius because neither Campbell nor Moebius, taken alone or in combination, teach, disclose or suggest all of the limitations of claim 27. Accordingly, Applicants respectfully request the reconsideration and withdrawal of the rejection of claim 27 under 35 U.S.C. § 103(a).

CONCLUSION

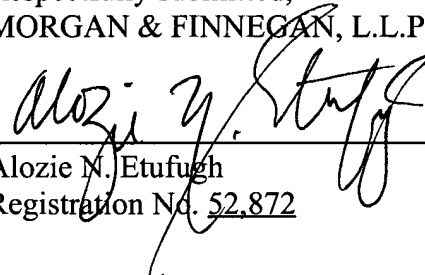
In light of the foregoing arguments and amendments, Applicants believe that all pending claims are hereby rendered allowable over the art of record taken alone or in combination and, accordingly, Applicants further submit that the application is thus in condition for allowance which action is earnestly requested.

The Commissioner is hereby authorized to charge any additional fees which may be required for the timely consideration of this amendment under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account No. 13-4500, Order No. 1232-4563.

Respectfully submitted,
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By: _____


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